

22684. Adulteration of canned shrimp. U. S. v. 43 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31294. Sample no. 59318-A.)

This case involved a shipment of canned shrimp which was in part decomposed.

On November 2, 1933, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 cases of canned shrimp at Fort Wayne, Ind., alleging that the article had been shipped in interstate commerce, on or about August 18, 1933, by the Biloxi Canning & Packing Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Little Elf Brand Shrimp."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On July 21, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22685. Adulteration and misbranding of butter. U. S. v. Kyle Creamery Association. Plea of guilty. Fine, \$25. (F. & D. no. 31313. Sample no. 35179-A.)

This case was based on a shipment of butter that contained less than 80 percent by weight of milk fat.

On May 10, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kyle Creamery Association, a corporation, Aurora, Ind., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 4, 1933, from the State of Indiana into the State of Ohio, of a quantity of butter which was adulterated and misbranded.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the wrapper, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not butter as defined by law, in that it contained less than 80 percent by weight of milk fat.

On September 29, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22686. Misbranding of cottonseed meal and cottonseed screenings. U. S. v. Terminal Oil Mill Co. Plea of guilty. Fine, \$20. (F. & D. no. 31329. Sample nos. 19813-A, 19814-A.)

This case was based on interstate shipments of cottonseed meal and screenings that contained less protein and more crude fiber than declared on the label.

On December 14, 1933, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Terminal Oil Mill Co., a corporation, Oklahoma City, Okla., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 2 and September 8, 1932, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed meal and cottonseed screenings which were misbranded. Both shipments were tagged: "K. C. Brand Cake and Meal * * * Guaranteed Analysis Protein, not less than 43%, * * * Crude Fiber, not more than 12% * * * Manufactured for Kansas City Cake & Meal Co. * * * Kansas City, Mo." One shipment bore a second tag reading in part: "TomCo Prime Cottonseed Cake or Meal Guaranteed Analysis Protein, not less than 43 percent, * * * Crude Fibre, not more than 12 percent * * * Manufactured by Terminal Oil Mill Co. Oklahoma City, Oklahoma."

It was alleged in the information that the articles were misbranded in that the statements, "Guaranteed Analysis Protein, not less than 43%" and "Crude Fiber, not more than 12%", borne on the tags, were false and misleading, and

for the further reason that they were labeled so as to deceive and mislead the purchaser, since they contained less than 43 percent of protein and more than 12 percent of crude fiber.

On June 19, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$20.

M. L. WILSON, *Acting Secretary of Agriculture.*

22687. Adulteration of apples. U. S. v. Skookum Packers Association.
Plea of nolo contendere. Fine, \$10. (F. & D. no. 31368. Sample no. 18042-A.)

This case was based on a shipment of apples that contained excessive arsenic and lead.

On April 3, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Skookum Packers Association, a corporation, Wenatchee, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 8, 1932, from the State of Washington into the State of Montana, of a quantity of apples which were adulterated. The article was labeled in part: "Fancy Spitzenberg * * * Skookum Mountain Goat Brand Wenatchee Apples Skookum Packers Association, Wenatchee, Washington."

It was alleged in the information that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 4, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

22688. Alleged adulteration of apples. U. S. v. Lawrence McGee Riggs.
Tried to the court. Judgment of not guilty. (F. & D. no. 31385. Sample no. 25314-A.)

On May 3, 1934, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lawrence McGee Riggs, Springdale, Ark., alleging that on or about September 28, 1932, the defendant had sold and delivered at Springdale, Ark., under a guaranty that they were not adulterated in violation of the Food and Drugs Act, a number of baskets of apples; that the apples in the identical condition in which they had been so sold and delivered were transported in interstate commerce, into the State of Texas; and that they were adulterated in violation of the said act.

It was alleged in the information that the apples were adulterated in that they contained added poisonous and deleterious substances, arsenic and lead, which might have rendered them injurious to health.

On June 12, 1934, a jury trial having been waived, the defendant was tried to the court and was found not guilty.

M. L. WILSON, *Acting Secretary of Agriculture.*

22689. Adulteration of tomato catsup. U. S. v. Francis H. Leggett & Co.
Plea of guilty. Fine, \$50. (F. & D. no. 31406. Sample no. 8027-A.)

This case was based on an interstate shipment of tomato catsup which contained excessive mold.

On May 11, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Francis H. Leggett & Co., a corporation, Landisville, N. J., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 1, 1932, from the State of New Jersey into the State of New York, of a quantity of tomato catsup which was adulterated. The article was labeled in part: "Unicorn * * * Tomato Catsup * * * Francis H. Leggett & Co. Distributors, New York."

It was alleged in the libel that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance.

On July 2, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*